

MINUTES

Lowell City Council

Regular Meeting

Tuesday, February 8, 2022, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Railey called the meeting to order at 6:01p.m. Those attending in-person were Mayor Pro-Temp Travis Smith, Councilmember Phil Bonham, Councilmember Candy Funderburk, Councilmember Thomas Gillespie, City Manager Scott Attaway, City Attorney John Russell Jr, Planning Director Alex Blackburn, Acting Police Chief Carl Moore, Sergeant Jeff Harrison, Finance Director, Lisa Nolen, Public Works Director, Thomas Shrewsbury, Parks and Recreation Director Cristy Cummings, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced to the public and the agenda and meeting materials were made available on the city's website. Members of the public were also present.

II. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie gave the invocation and led everyone in the pledge of allegiance.

III. ADOPTION OF AGENDA FOR THIS MEETING

Councilmember Candy Funderburk made a motion to accept the agenda, seconded by Travis Smith. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

- A. Larry Simmonds of 1603 Power Dr, Lowell, NC – wanted to discuss personal issues with a member of City staff. Mayor Railey stated this was inappropriate. City Attorney John Russell Jr., informed Mr. Simmonds that he can't talk about matters of personnel because City Staff did not have an opportunity to speak and Council does not have the authority to discuss matters of department heads. He is only permitted to talk about City Council appointees. He was directed to speak to the City Manager when an issue in referring to City staff. Mr. Simmonds then addressed an issue of conflict of interest with a member of City staff. He then questioned why there is not an audit that has been presented to the public, the lack of budget amendments and lack of transparency. He left the council meeting immediately after speaking.
- B. Bill Guyther of 1005 Rogosin, Lowell, NC – would like to be considered for the City Council vacancy. He expressed his interests and summarized his qualifications.

V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting held January 11, 2022 (p. 1-10)

Mayor Pro Temp Smith made a motion to approve the minutes from the January 11, 2022 Council meeting, seconded by Councilmember Gillespie. The vote was unanimously in favor.

VI. SPECIAL PRESENTATION

- A. FY2020-2021 Audit Presentation by Butler and Stowe (p. 11-12)—presented by Sheila Thornton and Robert Adams. The audit has met audit requirements and has been accepted by the Local Government Commission. It can be viewed on the City's website. Mr. Adams stressed review of the balance sheet, general fund and assets and liabilities, and the breakdown of the water/sewer fund. Financial Highlights included the City assets exceeding the liabilities by over \$5 million, a 14% increase from the prior year; the fund balance totaled a little over \$1.7 million representing 72% of general expenditures for last year; Enterprise (Water/sewer) fund had an operating loss of \$210k due to revenue stability and operating expenses up by 12%. Total combined assets of the city totaled over \$8.5 million an increase of over \$1.5 from the previous year.

Two communications letters will be issued to council and the Local Government Commission (LGC). One of the letters is the general audit letter or SAS99 which states the responsibility of the city and the auditors during the audit process and address any issues noted. There were none noted for the City of Lowell. The second letter that accompanies the report is an internal control letter listing any deficiencies found during the audit. Segregation of duties, due to limited personnel as noted in the previous year, was also an issue for this year. Mr. Adams stated council needed to be aware of this situation to ensure they are taking an active role in reviewing financial statements.

Councilmember Funderburk stated when she started here six years ago the fund balance was at 8%. She is very proud of the previous and current City Managers for their hard work. The goal a couple years ago was 50% and she was very pleased we are now at 72%.

Mr. Attaway added a comment about the segregation of duties. He stated the plans to add personal in Finance and currently working on a job description. He also plans to add a position in utilities in the hopes this issue will not arise again in the next audit.

Mayor Railey thanked the auditors for their work and timeliness in reporting the results.

- B. Report of the Intergovernmental and Interagency Task Force on Homelessness in Gaston County by David Williams, Community Affairs and Development Administrator for Gaston County (p. 13-14). Mr. Williams gave a summary update of the 60-page report. The task force began in February 2021 by the Board of County Commissioners to: 1) address and assess the homelessness in Gaston County 2) and use a compilation of efforts of others that will enhance the goals here 3) look at best practices nationwide 4) recommendations to be based on action steps to reinforce what we have to do to better address homeless issues here. Items taken into consideration [include, but not limited to]: immediate needs of citizens, i.e., short term emergency housing; how do we maintain housing affordability; personal needs of individuals (transportation, hygiene, food, etc.), education, training, employment, healthcare.

On Jan 11, 2022 the County Commission approved to accept the task force's written report and tasked the County Manager to establish a countywide homeless prevention committee. The County Manager is working on that and will have an update in a few days to name who will be on the committee and how that will unfold. Affordable Housing will be one of the first things this committee will tackle. Recently, \$250,000 has been appropriated to help with the commission for short term housing issues. The committee will start meeting again soon to look at the comprehensive list of issues that will be worked on.

Councilmember Gillespie thanked Mr. Williams for presenting, their efforts to help people in need and allowing him to be a part of the task force.

Councilmember Gillespie asked about a preacher housing about 40 people but didn't meet necessary fire code and ordinances to house people causing the people to have to move out. He asked Mr. Williams what he thought about people doing good intention things on their own but not following the rules. Mr. Williams said although the intentions were good, regulations have to be followed for the safety and health of all persons involved and laws have to be applied equitably for everyone.

Mayor Railey thanked Mr. Williams coming to speak and the work he is doing. Mr. Williams also thanked council for allowing him to speak.

VII. NEW BUSINESS

- A. Resignation of Councilmember Ken Ervin (p. 15-17). Mr. Attaway introduced the letter provided by Mr. Ervin. Mayor Railey, Councilmembers Gillespie and Funderburk gave remarks about working with Mr. Ervin. Motion to accept the resignation was made by Councilmember Gillespie, seconded by Councilmember Funderburk. The vote was unanimously in favor.
- B. Consideration of Nominations and Appointment to the Lowell City Council and Administration of Oath of Office (p. 18). Mr. Attaway gave a brief background that council needs to be aware of when appointing a new councilmember which included the City Charter, NC Statutes, and the City of Lowell Rules of Procedures. This appointment will only go until the end of next term, November 2023. Rule 31 of the procedures is a guide on the rules of voting. In it, it is noted the Mayor is not allowed to vote, not even in a tie break. Members can offer names up for the appointment and the council will vote one time. In case of a tie break, there would be a run-off vote. Attorney Russell added that all names must be on the floor and stay open until all nominations are available. There can then be a discussion and then a vote.

Mayor Railey opened the floor up for nominations. Councilmember Gillespie asked if there was a list of nominees. Mr. Attaway said there were not.

Councilmember Funderburk then nominated Joanna Fulbright along with her qualifications. Mayor Pro Temp Smith also nominated Ms. Fulbright. Councilmember Gillespie nominated Michelle Sebastian and gave her qualifications. A brief discussion about the candidates was held. Councilmember Bonham was appreciative of all the interest in serving and hope those not chosen will consider running in 2023.

Councilmember Gillespie asked the Mayor if Ms. Fulbright would be able to speak. Attorney Russel had no opposition. Ms. Fulbright presented her case to be nominated. Mr. Bill Guyther was allowed to speak again about his desire to be considered for the empty seat.

Councilmember Gillespie asked and was allowed to add that he wanted to emphasize accountability and discussion of political topics of members especially when members of council (Councilmember Funderburk and one of the female nominees, Ms. Fulbright) will be potentially working together. They are members in the same women's club.

With no further questions, Mayor Railey went around the room for each councilmember's vote. The vote was unanimously in favor of Ms. Fulbright.

Councilmember Bonham thanked nominees again and asked them to consider other areas to serve including the Planning Board and Lowell Community Committee (LCC). Mr. Attaway also mentioned the Citizens Academy will open back up in August 2023. Mayor Railey mentioned that John Cantrell and Steve Wilson showed interest in the open seat. She thanked all persons for their interest and hope they continue trying to serve. Councilmember Funderburk said about 10 people showed interest.

City Clerk Cheryl Ramsey then administered the oath of office to Ms. Fulbright.

- C. Set Public Hearing for consideration of Zoning Text Amendment for Article 12, Section 12.10 (p.19-20). Alex Blackburn gave a presentation of the background regarding the Planning Board's issue with the old ordinance allowing RVs to park (as long as they are not on the roadway) no more than 90 days, twice a year. The Planning Board voted unanimously to limit parking to behind the house no more than 30 days, twice a year. Councilmember Funderburk made a motion to set the public hearing for consideration of Zoning text Amendment for Article 12, Section 12.10 to March 8, 2022, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- D. Consideration of Appointment to the Lowell Community Committee (p.21-25). Mr. Attaway asked the Parks and Recreation Director, Cristy Cummings the term limits. She stated it is every 3 years from January 1, 2023. Mayor Pro Temp Smith made a motion for Jim Kiser to be a member of the Lowell Community Committee, seconded by Councilmember Gillespie. The vote was unanimously in favor.
- E. Proposed Text Amendment to the Lowell Code of Ordinances Chapter 51 regarding the addition of a Cross Connection and Backflow Ordinance (p.26-35). Thomas Shrewsbury, Public Works Director, discussed the background and requested to have the ordinance in place to be in compliance with State guidelines. With no other questions, Councilmember Funderburk made a motion to accept the text amendment to the Lowell Code of Ordinances Chapter 51 regarding the addition of a Cross Connection and Backflow Ordinance, seconded by Councilmember Bonham. The vote was unanimously in favor.
- F. Consideration to Waive Reapplication Period of Zoning Map Amendment for Parcel ID#'s 210660, 202166, 202167, and 135144 (p.36-37). Mr. Attaway stated the former LDO spells out a four month wait period after zoning is assigned or the applicant can reapply again for a different zoning designation. The LDO lays out an avenue for the applicant to get a waiver for the four

months. Page 37 notes the applicants and their reasoning for this consideration. Councilmember Funderburk wanted clarification on if the applicants can come back in April? Mr. Attaway said yes. Councilmember Gillespie made a motion to waive the Reapplication Period of Zoning Map Amendment for Parcel ID#'s 210660, 202166, 202167, and 135144, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

VIII. STAFF REPORTS

- A. Public Works Department Report (p.38) – Mr. Shrewsbury reported:
1. Summarized that there were a number of snow events that kept staff busy.
 2. All the Christmas decorations down.
 3. Worked with the City Manager on getting Chemical Plant secured and patrolling it without tearing up city vehicles.
 4. Will soon be doing Spring maintenance (landscaping, cleaning gutters, curbs etc.).
- Mr. Attaway mentioned there were also two new hires, one in Water/Sewer and one in Streets to be back on track to be fully staffed.
- B. Planning Department Report (p.39-40) – Mr. Blackburn discussed the South Fork River Health Committee and Sub Committees of North Carolina focusing on the health of the river running through Lowell. Recently the group developed four separate sub committees that he, Scott Attaway, and Cristy Cummings are a part of to put Lowell in a better position with the health of the South Fork River as it relates to water quality. Sub committees include: Policy and Advocacy; Water Quality; Recreational Access; and Marketing and Events.
- C. Police Department Report (p. 41-42)– Carl Moore reported
1. Calls were down in January but there were a few officers out due to COVID and the snow decreased the numbers as well.
 2. Officer Mulkern attended the Governor's Highway Safety Speed Enforcement in Dallas and was able to ride along with an officer and issue a couple citations as well as gained points for the Governor's Highway Safety Program.
 3. Crime Commission Grant 2021 was opened and equipment was ordered. City of Lowell to receive \$21,000 reimbursement. The grant for 2022 was submitted in January to purchase an ATV for monitoring the trails and help during Police events. Mr. Attaway said as we get the parks up and working properly, police will need safe measures to get to areas in the parks quickly. Phil Bonham asked if one ATV will cover it? Jeff Harrison stated that it should be enough. It will be housed near the trails.
- D. Parks and Recreation Department Report (p. 43-44) - Cristy Cummings reported:
1. Spring Events include Senior Valentine's Day giveaway- registration began on 2/4 to pick up on 2/14/22 by noon.
 2. Basketball season is underway. We have about 3 weeks left and missed a lot due to COVID and glad things are picking back up.
 3. Registration for Spring Sports has opened and will be doing T-ball and baseball again this year. They recently received a Dick's Sporting Goods sponsorship check for \$500 to help with the season.
- E. Finance Department Report (p. 45) – Lisa Nolen reported:
1. Butler & Stowe audit update for FY22 performed and accepted.
 2. SCIF Grant – all requirements have been submitted for the \$2 million for the Public Works facility. Waiting on the next steps.

3. New Police vehicles approved in the 2021 budget have arrived. Waiting on one more upfit and then all the vehicles will be in service.
4. Working with MeterSys for utility readings to improve operations. MeterSys has been working with Sue Lowe as she has more experience in this area.
5. Training for new City Clerk, Cheryl Ramsey
6. Working on the SCIF. Not all complete but working on as much as possible through December 31, 2021. All revenues, with exception to small interest amounts, are in, which is good. Currently for the General Fund, we have 33% remaining of incoming revenues but there is still 50% of the year left. Mrs. Nolen believes that may be due in part to the sales tax as we have been getting more than what was allocated for the budget, which is also a good thing, The Water/Sewer fund remains at 47% and is in line. Stormwater only has 59% remaining and is close to estimates and the revenue numbers are looking good. All the expenses, including Visa credit card expenses, are not yet in so the following are based on estimates: Administration has about 45% remaining for this FY of money budgeted; Public Safety and Public Works are at 54%; Sanitation is at 44%; Parks and Recreation is at 65%; the Powell bill is at 37% remaining and it has been added as a budget amendment. Water/Sewer has 50% remaining; Wastewater Treatment Plant (WWTP) has 65% remaining; and Stormwater has 78% remaining,

Mr. Attaway noted that last year's FY2021 audit reflected a higher usage of WWTP because of the stay-at-home order (due to COVID) and higher usages as well as cost increases,

F. Fire Department Report– see **Departmental report on page 46.**

IX. CITY ATTORNEY REPORT – City Attorney Russell stated that the Lowell Board of Adjustments worked through a complicated variance regarding Lowry Lane. The variance was approved for the applicant, and it may come to City Council for dedication and acceptance.

X. CITY MANAGER REPORT

- A. Lowell Branch Library sidewalk update – supposed to start February 2022. A crosswalk is supposed to go across McAdenville Road to get people to get to the library safer. DOT said no crosswalk can be built until there is something to cross to (such as a sidewalk). Gaston County got involved to help and engaged Robinson-Sawyer, Inc. through a bidding process for a sidewalk allowing the project to move along with the cross walk.
- B. Intro to new City Clerk, Cheryl Ramsey
- C. Budget retreat reminder on Friday, February 11, 2022
- D. Asset Inventory Water grant-final decision comes out on February 9, 2022. The draft recommendations were updated. This \$150,000 grant will help Lowell map it's water distribution system.
- E. Carolina Thread Trail update – River Falls HOA ballots for access to the thread trail along the South Fork River have been finalized and the report is about to go out soon.
- F. NCCCMA Winter Conference update attended by Mr. Attaway – items discussed included: Diversity, Equity, Hiring and retention; Communication tools and use of podcasts, videos, etc. Also included in the conference were topics on ARPA funds, legislative topics, resources for capital planning, enterprise funds, ICMA updates, etc. Lowell has been invited to the Gaston County's podcast, The Savvy Citizen, regarding the chemical plant project.

- G. North Carolina League of Municipalities (NCLM) has a City Vision Conference at the end of April 2022. Councils and managers attended a similar Gaston County Elected Officials and Mayors event in the past to hear what our neighbors are doing to help their own cities. He asked council to let him know if they are interested in the NCLM conference.
- H. CDBG update. Amanda Whitaker with WithersRavenel came in earlier today to discuss the two grants with Mr. Attaway, Ms. Ramsey, and Mrs. Nolen about the process. CDBG-I (sewer infrastructure) should be completed towards the end of the summer. CDBG-NR (Neighborhood Revitalization) grant has selected the first five homes of the proposed 10 for improvements. Contractors have been chosen as well. On the Community Center side of this money, the scope had to be revised and it will probably cover a little of the inside after all the work on the exterior is done. Councilmember Funderburk asked if the kitchen will be done? Mr. Attaway said we are planning to stretch funds inside the building as far as we can and then reapply for another grant.
- I. IT updates – new mobile devices, new IT provider to look at cyber security.

XI. MAYOR AND CITY COUNCIL GENERAL DISCUSSION – Mayor asked council if they had any further comments.

Councilmember Gillespie asked about the upcoming retreat and COVID precautions. Mr. Attaway said none were in place but people may be asked to wear masks. The meeting will still be offered remotely and the link has been sent out.

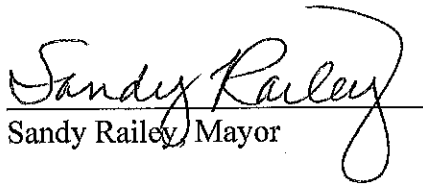
Councilmember Gillespie also mentioned that Dot Guthrie, member of the Gaston County School Board and the Curator of the Loray Mill Afro American museum, has sent a newsletter that included Lowell. He asked if Cristy Cummings about an old picture of S. Main St when it was a dirt street. She said she believes she has it. Councilmember Gillespie added that Ms. Guthrie has information on The Flat Plaque, which is located at S. Main and Kenworthy, in the newsletter. It is very nice and recommended councilmembers and everyone in attendance to view it. Mr. Attaway stated that Ms. Cummings and the Clerk updated the website and that Cristy will be using the article to teach Cheryl how to upload articles it. During the month of February, the article about The Flat Plaque will be spotlighted on the website.

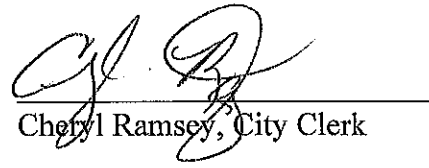
Councilmember Funderburk said she was proud of the city in the report that Butler & Stowe gave us. She said she wasn't expecting for us to be at 72% of the fund balance when our goal was 50%. She thanked the City Manager as well as the previous City Manager for their great job. With all the new houses coming in, she wants to make sure that the roads and schools are in good condition. She thanked everyone for putting their name in for the council seat and congratulated Joanna Fulbright.

Councilmember Fulbright thanked council for the opportunity to come and serve with them. She pledged to do her best to work with council and serve. Mayor Railey thanked Councilmember Fulbright as well and welcomed her.

Mayor Railey thanked everyone for coming and asked for a motion to adjourn. It was moved by Councilmember Funderburk, seconded by Councilmember Gillespie. The vote was unanimously in favor. Adjourned at 7:39 p.m.

ATTEST:


Sandy Railey, Mayor


Cheryl Ramsey, City Clerk